

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE
Minutes

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on December 1st, 2005.

MEMBERS PRESENT:

Leg. Daniel P. Losquadro, Chairman
Leg. Jay H. Schneiderman, Vice•Chairman (not present)
Leg. Allan Binder (not present)
Leg. David Bishop
Leg. Vivian Vilorio•Fisher
Leg. John M. Kennedy, Jr.

ALSO IN ATTENDANCE:

Mea Knapp, Counsel to the Legislature
Alexandra Sullivan, Chief Deputy Clerk
Kevin Duffy, Budget Review Office
Ben Zwirn, Assistant Deputy County Executive
Thomas Isles, Director of Department of Planning
Jim Bagg, Chief Environmental Analyst/Department of Planning
Patricia Zielinski, Department of Real Estate
Lauretta Fischer, Department of Planning

Kevin LaValle, Aide to Leg. Losquadro
Maria Ammirati, Aide to Leg. O'Leary
Shawn Cullaney, Administrator Clerk•Treasurer, Village of Lindenhurst
Constantine E. Kontokosta
Vito Minei, Water Quality, Department of Health
Leslie Mitchel, Deputy Commissioner of Department of Public Works
Dominick Ninivaggi, Department of Health
Walter Dawydiak, Department of Health
Dr. Dillon, Public Health
Chris Jeffreys, Assistant County Attorney

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING COMMENCED AT 2:57 PM)

CHAIRMAN LOSQUADRO:

We would like to call the meeting of Environment, Planning and Agriculture to order. I would ask Legislators present to return to the horseshoe. We'll begin this meeting with the Pledge of Allegiance led by Legislator Bishop.

(SALUTATION)

CHAIRMAN LOSQUADRO:

Thank you for everyone's patience today. It's been a very long committee day. I do not have any cards. Is there anyone wishing to be heard before this Committee for the public portion? Seeing none, we'll close public

portion.

And I believe we have a couple of requests to take a couple of items out of order. Legislator Bishop.

LEG. BISHOP:

Yes, Mr. Chairman. 2093 under Tabled Resolutions. It's the last one. It's authorizing planning steps and acquisition under the Quarter Cent Drinking Water Protection Program.

CHAIRMAN LOSQUADRO:

Use your microphone, please.

LEG. BISHOP:

Sorry. **2093, authorizing planning steps and acquisition under the Suffolk County Quarter Percent Drinking Water Protection Program, South Bay property, Town of Babylon.**

CHAIRMAN LOSQUADRO:

You'd like to make a motion to take that out of order?

LEG. BISHOP:

Please. Motion to take it out of order.

CHAIRMAN LOSQUADRO:

I will second that motion. All those in favor? Opposed? Is •• oh, yes, Legislator Vilorio•Fisher is present. All those in favor? Opposed? 2093 is before us.

LEG. BISHOP:

Mr. Chairman, the Village administrator Shawn Cullane is in the audience. I'd ask him to come forward.

CHAIRMAN LOSQUADRO:

Mr. Cullane, could you please come forward? Podium or table, whatever you're more comfortable with. You can have a seat.

MR. CULLANEY:

Thank you.

LEG. BISHOP:

The members of the Committee will recall that this has been on the agenda previously and tabled. This is a unique situation. The Village of Lindenhurst has already condemned the property. They are seeking a partnership with Suffolk County which they'll explain further.

The source of the funds for this is the 12•5 E which is Babylon Town specific. It's the residuary Pine Barrens money and has to be spent within the Town of Babylon. And Legislator Mystal has •• also has majority of the district. Town of Babylon has no objection.

So, I just want to provide the Village the opportunity to explain what they have in mind.

CHAIRMAN LOSQUADRO:

Please.

MR. CULLANEY:

Good afternoon. My name is Sean Cullaney and the Village Administrator Clerk in the Village of Lindenhurst. Thank you for the opportunity to be here.

This is a piece of property that is located on the Great South Bay adjacent to our existing Shore Road Park. And also on the opposite side of this property is a piece of property that the County previously had deeded to the Village of Lindenhurst. So, this piece of property sits between those two. And if we can acquire this property and develop it for the purposes that we want to, we will be able to link all three properties together giving us a much more accessible •• to the Great South Bay.

As Legislator Bishop said before, it's kind of a unique situation. This was a piece of private property. It belonged to an estate. The Executor of the estate was looking to move this property quickly. And frankly we just happened to be in the right place at the right time. And the Village moved

quickly to acquire it. Normally in the process a municipality would go to the County and say we have a piece of property we'd like to be in partnership with. Do you think you can help us acquire it for the various purposes, open space, drinking water protection, etcetera. We had to move quickly or this property would have been sold to a private developer and we would have lost the opportunity.

So now we're coming back to the Legislature to hopefully get this partnership so we can permanently acquire this property and develop it for the recreational purposes that we have in mind.

CHAIRMAN LOSQUADRO:

Very good. Legislator ••

LEG. BISHOP:

I just want to put something on the record. The Village has by letter made a commitment that every dollar that the County put into this would go back into the property. In other words, they wouldn't just reimburse themselves for what they previously did. This would be additional funds to the project. So, it would, in fact, be a partnership.

CHAIRMAN LOSQUADRO:

Very good. Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

I'm trying to recall this from the last meeting. Is this the piece of property that goes out into the water? Part of the property is actually in the water?

MR. CULLANEY:

If you look at the tax map ••

LEG. VILORIA•FISHER:

The meets and bounds bring it out into the water?

MR. CULLANEY:

Correct, right. The mean high tide does run out into the water, yes.

LEG. VILORIA•FISHER:

Okay. And as I look at the back up, I'm seeing the floor plan of a home. That's very unusual in one of these resolutions. Can you explain that, please?

MR. CULLANEY:

There is an existing house on it. It's been abandoned for a number of years now. It's boarded up. We would demolish that house.

LEG. VILORIA•FISHER:

And would the monies that are expended by Suffolk County then be used for that demolition?

MR. CULLANEY:

That would be part of the development project, correct.

LEG. VILORIA•FISHER:

Okay. Thank you.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Kennedy.

LEG. KENNEDY:

So the dwelling •• the existing dwelling is going to be demolished. What then do you contemplate would be the future status? Will it be all land or is it going to be subsequently improved with municipal structures? What do you envision?

MR. CULLANEY:

We anticipate no municipal structures on there. We basically have a large park to the immediate west of that. It's used •• a lot of recreational facilities. Most likely this would be a passive use. Maybe an overlook of the Great South Bay to open space, possibly in conjunction with some light recreation such as a jogging path, something of that nature. But we do not anticipate nor do we deem it practical to put a public facility on that like a

rest room or a hut or anything like that, no.

LEG. KENNEDY:

Okay.

CHAIRMAN LOSQUADRO:

Very good. Motion.

LEG. BISHOP:

Motion to approve.

CHAIRMAN LOSQUADRO:

Motion by Legislator Bishop, seconded by myself. All those in favor?
Opposed? 2093 ••

LEG. VILORIA • FISHER:

Comment by ••

CHAIRMAN LOSQUADRO:

Mr. Zwirn?

MR. ZWIRN:

A little late, I guess. But the only thing I would say on behalf of the County Executive is that with all due respect to Legislator Bishop, the County has taken the position not to buy property from •• that's already in the public realm. It's owned by the Village. We had this come up sometime ago with the Village of Greenport. Clark's Beach was one. And we even had one earlier today. I think we were talking about •• and I understand there were special circumstances here that the Village moved quickly to get this property ••

LEG. BISHOP:

Well, that wasn't what I was going to bring up. But that •• that's part of the mix. But the Greenport situation was not •• was either you buy it or it gets privately developed. This is a petition in essence to partner with them to take what was developed property and make it undeveloped and turn it into passive recreation along the Bay, which is a stated goal that we have

through South Shore Estuary Reserve Program. So, I think that I can draw a distinction for members that I hope that they're comfortable with. Because it's not a situation where the Village is saying either you buy this or we'll let it get developed.

CHAIRMAN LOSQUADRO:

I agree. This •• it may be a bit mistitled, but it does seem quite simply an opportunity to partner. It's just cost shifting. Our monies that we put into this project will simply go towards the preservation of it. It may be in a slightly different fashion than we're used to, but being that it is 12•5 E money, I think it's a worth while partnership. Legislator Kennedy.

LEG. KENNEDY:

I guess the other thing that I would add, and obviously it would just be ballpark, if we are looking to in essence offset what the acquisition cost was, what do you contemplate ultimately would be the amount of expenditure in total invested in this property? 290 for you to inquire, 290 back from us purportedly, I guess, to go ahead and offset. What's the total outlay that you contemplate?

MR. CULLANEY:

We haven't come to those numbers yet, but we're looking at obviously the demolition of the building. We need to talk about some fencing. We need to talk about some access for just our Public Works people and things like that. Possibly doing something on the beach front itself. As the Legislature pointed out, some of the property is basically under water depending on the tide. We want to preserve that. There's •• there is a tidal issue in there as well. So, there's a range of things that we want to do that would be environmentally focussed. But we do not have a dollar figure on that yet.

LEG. KENNEDY:

Well, demo costs alone is probably going to run you in the neighborhood of 15 or 20 grand in order to take the structure down. Fencing you would go ahead and you would contemplate as well, maybe another 15 to 20. Is it fair to estimate that you have another, say, 30, 40, 50 thousand that you contemplate would be expended above and beyond?

MR. CULLANEY:

Absolutely. Easy.

LEG. KENNEDY:

Okay.

LEG. VILORIA•FISHER:

Just a quick question for Tom Isles.

CHAIRMAN LOSQUADRO:

Legislator Viloria•Fisher.

LEG. VILORIA•FISHER:

Tom, part of the SOS program is the hamlet park. And this is the kind of small piece I thought of in terms of the use of that hamlet park. We are we using this program and not that program? Why are we using the One Quarter Percent Drinking Water Protection Program?

LEG. BISHOP:

It's my initiative.

MR. ISLES:

Right.

LEG. VILORIA•FISHER:

Okay. Okay. Is this a better program for that, though?

MR. ISLES:

You know, I'm not going to speak for the sponsor on the selection of the program. Our concern as Mr. Zwirn explained is a policy concern. And it was talked about today actually at Ways and Means as well. But also as we talked about at the last meeting, the fact that this would then become a county park available for all county residents. There is a very large town •• village park next door. I don't know if it's the intention to merge this with that and make it function as one park or not. But •• I'm not sure how much county residents would be able to benefit from this if it's just two building

lots at the end of the road. I'm not sure if the intention is to enable county access to the larger park as well or if you're going to subdivide this or ••

MR. CULLANEY:

In practice we do that already because, you know, there's no restriction now. There's no •• has never been any restriction. It is used primarily as a soccer field and a baseball field which is enter•town all the time. So, I mean we have residents from across Suffolk County using this facility already. And frankly we think this would become a show case for the Village of Lindenhurst. And we would welcome people to come down and take a look at our new facility.

I'd just like to point out too that this is a good opportunity to correct mistakes of the past. I don't think anybody would doubt that western Suffolk County is lacking in open space. It's lacking of access to the waterways. We have very, very little of it. And this is an opportunity for us to work on that goal, work on that program to get new access to the Great South Bay which is a treasure for everybody. And frankly we need to do more of that in the western part of the County and in particular the Town of Babylon.

LEG. VILORIA•FISHER:

May I just ask again about the access issue?

CHAIRMAN LOSQUADRO:

Yes. Legislator Vilorina•Fisher.

LEG. VILORIA•FISHER:

So, in other words one has to go through the Village park in order to get to this property?

MR. ISLES:

Well, hypothetically it could come down South Bay Street which is a residential village street. Here again these parcels are about two tenths of an acre. So in terms of County residents actually using this, a, finding it and then parking down here, unless they can park in the village property and enjoy the village facilities, and that's expressly allowed as part of the

management agreement and so forth, I don't think see how County residents would really take advantage of this.

It's not similar to a case, let's say, in a downtown. The Village has done an excellent job on the park in their down town that the County participated in. And that's right in the heart of the community and everybody can share it and find it very equally. So this, you know, 90% of this if you look at the aerial photograph is this wonderful village park. This is a little addition to it. It would seem logical to be a village addition. If the Village were to give it to the County as part of an arrangement as we talked about today with the federal government on another parcel, that may be one thing. But for the County to spend money to buy land that's already in the public domain as Mr. Zwirn has explained, we're kind of passing a new threshold here with that. And, you know, we just raise concerns about that because we could spend all our county money buying town and village and federal parks if that's we want to do.

MR. CULLANEY:

If I can comment on that, first of all regarding the access to the property, we're not anticipating nor do we want to encourage access down South Bay Street because it is a residential area. In fact, we would have all access to the present parking lot area on •• at the Shore Road Park. People could then make access to the property down there.

If I can just take your map for a second ••

MR. ISLES:

Sure.

MR. CULLANEY:

This is not this is not •• if you have copies of this, the parcel that's in red outline here, this is a parcel that the County gave to us several years ago. And now we're trying to link that parcel, which you gave to us several years ago with our existing park. If we don't get this piece of property, that will have been a wasted effort. I think this is critical to making the next logical step to make that initial project work.

MR. ISLES:

We didn't sell it to you?

LEG. BISHOP:

Cullaney, you're on your game today. That's exactly right.

MR. CULLANEY:

The property, and Legislator Bishop, correct me if I'm mistaken, but this was granted to the Village because this was condemned property for failure to pay taxes. And was eventually turned over to the Village.

CHAIRMAN LOSQUADRO:

Great.

MR. ZWIRN:

But the Village already has this property. You say if they acquire it. You already have it.

MR. CULLANEY:

We had to as a small municipality, as you probably know, we had to take money out of our general fund to make a quick decision. We knew that if we did not make a quick decision, this would be lost to us. We need to do something to rectify that situation. And we can't go beyond what we've already paid into •• that's the problem. As was pointed out, there will be other expenses to develop it.

LEG. BISHOP:

And it's inappropriate right now for public access because of the dangerous structure that's on there. It's a tractor nuisance. This allows the Village and the County to create recreational space on the Bay, which is a stated policy goal of the County. So I understand the threshold that's being crossed, but it's being done prudently and in coordination with stated policy goals.

So I •• and the reason I chose this program is because it's Babylon town money. So that pool of money has been lying there for many years. There are very few opportunities to acquire property in the Town of Babylon.

When this presented itself, it would seem •• it seemed to me to be the better choice among the various programs we have for this purpose.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

Part of the argument that Mr. Isles is posing are very reminiscent of some of the arguments Legislator Bishop that you posed when we were looking at preservation of land that belonged to the Audubon Society or the Society for the Preservation of Long Island Antiquities, which were both entities whose mission it was to preserve •• to preserve and sustain. And you had a great deal of difficulty supporting those. And ••

LEG. BISHOP:

I did.

LEG. VILORIA•FISHER:

And the argument that •• well, the suggestion that you just made, Tom, that the Town give this to the County, if that were to happen, would we then be in the position to be able to improve it? The County?

LEG. BISHOP:

Then you'd have the ••

LEG. VILORIA•FISHER:

I still have the floor. We would achieve the same goal. If the town were to give it to the county, the County could then do the improvements and we would achieve the same goal.

MR. ISLES:

Yeah. I mean, I haven't talked to the administration. I haven't talked to the Parks Commissioner about that. Here again, the idea of inter municipal cooperation is a wonderful idea. We had a long discussion on it this morning at Ways and Means where it was possible the County would give 86 acres of County land to the federal government for free. That's a wonderful thing. But it seems that the •• you know, if we're looking at County resources, how

much should be spent on things, if it's already in the public domain, should the County be buying land from a public sector, as Mr. Zwirn explained, with the two other examples.

And the question •• normally we wouldn't be buying a house in a block of residential houses and tearing it down to build a quarter acre county park quite honestly. Here again, as a Village, I think it's wonderful. The Village of Lindenhurst has done a great job with this program. But we just raise the question from a policy standpoint that a small parcel at the edge of the Village really where the Village doesn't even want the public using this residential street to get there, it's quite a distance from the parking lot to this location should this be a County acquisition. It's your decision. It's a policy decision. But we would just caution that since it's in the public domain, it's probably best a village park. We would just question as to whether that's the best thing for us to be doing. Ben, if you want to add to that any other comments.

MR. ZWIRN:

No.

LEG. VILORIA • FISHER:

I think I'd like to go down and see it before I vote in the affirmative.

CHAIRMAN LOSQUADRO:

Legislator Kennedy.

LEG. KENNEDY:

I guess I •• obviously we had the discussion earlier. As you said it's a philosophical policy discussion we're continuing to have. I guess, you know, we will hopefully come to some kind of resolution with it. 12•5 E money is very unique money as I understand it, though. So clearly it's within the province of the town itself.

As to some of the concerns that you raised concerning the viability of access, as to the statements from the Village as far as seeking to discourage or bar access from that residential street, is there something in the exchange instrument however we're going to achieve this, whether or not

it's by simple writing or by deed or what have you, where you make affirmative representations that County residents would have access vis•à•vis this alternative village area. Is that something that we can achieve or get by way of a writing?

MR. CULLANEY:

I would be happy to make that statement. And I'm sure I have the full support of the Mayor and the Village Board on that. I think there's just a little bit of misconception about access. Again, there is full public access to the park from the north. There is a large parking lot. It is adequate. It's used. Many people come to this park for recreation facilities. Recreation uses such as the baseball and most notably soccer, which people from across the County come there. This would be no different than them walking down to the end of the soccer field for them now walking down to the end of the Bay to have access.

And, again, if we're looking at a development project into the future as to what we could use, we're looking for some passive recreation use. Maybe a jogging path, maybe an overview of the South Bay. Maybe a pier into the water. Something that would give all people opportunity to enjoy the Great South Bay. And there is not a lot of that happening in the Town of Babylon. And, again, I would ask you to seriously consider that as a focal point as to what we're trying to do; recapture property that has been over developed. There's no question about it.

LEG. KENNEDY:

So, if there was a Smithtown resident who wanted to come down there in August and go crabbing off a pier or something like that, there's not going to be any limitation or bar that it's only for a Babylon Town resident or Lindenhurst Village residents?

MR. CULLANEY:

I can make that representation. And I think that would probably be the legal position to take, too, since there would be other municipal money being put into such a project.

CHAIRMAN LOSQUADRO:

Okay. Do we still have an objection to an approval?

LEG. VILORIA•FISHER:

Yes. Discharge without recommendation.

LEG. BISHOP:

Motion to discharge without recommendation.

CHAIRMAN LOSQUADRO:

I will second the motion to discharge without recommendation, which takes precedence over the motion to approve. All those in favor? Opposed?

Abstentions? Motion is discharged. **(Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)** And hopefully any remaining questions will be answered before Tuesday's General Meeting. I thank you for coming down.

MR. CULLANEY:

Thank you for the opportunity. Thank you.

MR. ZWIRN:

Mr. Chairman, if I might, I just would •• I mean you may even know, there's a gentleman here, a Constantine •• I didn't know if you were aware that he was here.

CHAIRMAN LOSQUADRO:

That was the next one.

MR. ZWIRN:

Thank you very much.

CHAIRMAN LOSQUADRO:

I said we were going to have a couple of motions taken out of order.

LEG. BISHOP:

2297.

CHAIRMAN LOSQUADRO:

2297, take out of order. Motion by Legislator Bishop, seconded by myself. All those in favor? Opposed? **2297 is before us. (To appoint member of County Planning Commission Constantine E. Kontokosta)** And I would ask •• is it Mr. Kontokosta? Kontokosta, please come forward. Have a seat. Make sure your microphone is turned on. Top button, slide it toward you.

MR. KONTOKOSTA:

Okay. Is that on?

CHAIRMAN LOSQUADRO:

Yep. There you go. Tell us a little bit about yourself and a little bit about why you would like to serve on the Planning Commission, what you think you have to bring to the proverbial table.

MR. KONTOKOSTA:

First I'd like to thank the Committee for allowing me to be here today. And I would say that it would be a great privilege to contribute my expertise and experience to the Planning Commission and to the County.

I will briefly described some of my relevant background to the issues facing the County and the Planning Commission. And these really come from the fields of planning as well as real estate and real estate development, economics and engineering.

Academically, to begin, I have a Bachelors in Civil Engineering from the University of Pennsylvania where I specialized in structural design and construction management. I went on to graduate studies at New York University where I received a Master's degree in real estate finance. From there I was accepted into Columbia University for a Master's in Urban Planning. And I'm currently at Columbia University pursuing a PhD in Urban Planning focussing on housing and economic development as well real estate economics.

To compliment the academic background, the educational background, I've also while going to school full time, I've worked full•time. First after college as a financial analysist for a real estate investment bank. Then as a

construction manager for a large construction firm. And five years ago I founded a real estate development firm out here in the north fork of Long Island together with my brother. And we have focussed on the area of the north fork for those activities.

I would say between my academic experience and professional experience I've had firsthand knowledge and worked firsthand with a lot of the issues •• planning related issues facing the County.

Also, finally in terms of expertise, I'm also a Licensed Professional Engineer in the State of New York and a Certified Planner by the American Institute of Certified Planners.

With that being said I would say that I'm confident that my background and experience would be a strong asset to the issues facing the County. And it would be a privilege to be a part of the Commission. Again, I would like to thank you for your consideration.

CHAIRMAN LOSQUADRO:

Thank you. Any questions? I know we have the standard battery of question, which I'm probably going to have to take over in a couple •• in a month or so.

LEG. BISHOP:

The question I would have is, if you're developing on the north fork, how do you reconcile that with the role of being a Planning Commissioner? Do you think it would ••

MR. KONTOKOSTA:

Well, I would say that obviously to begin with at any point I would recuse myself from any deliberation that would have any impact or any bearing or any assemblance of a conflict of interest. So, I would answer that question that way.

LEG. BISHOP:

All right. The Town of Southold recently had an election. I assume you're familiar with the outgoing Mr. Supervisor Mr. Horton?

MR. KONTOKOSTA:

Yes, that's correct.

LEG. BISHOP:

He's forwarded this ••

MR. KONTOKOSTA:

Not to my knowledge. I'm not aware of that.

LEG. BISHOP:

Okay. So, this is not a Supervisor's recommendation?

CHAIRMAN LOSQUADRO:

But it is a town slot.

LEG. BISHOP:

It's a town slot.

CHAIRMAN LOSQUADRO:

Southold. It's not an at large.

LEG. KENNEDY:

Mr. Chair, I believe •• I thought that that was the appointment for villages under a population of a certain number?

CHAIRMAN LOSQUADRO:

Is it?

LEG. KENNEDY:

Mr. Zwirn, do you have any information on this appointment?

LEG. BISHOP:

Where is he? Oh, there he is.

LEG. VILORIA•FISHER:

It's the Town of Southold, it says.

CHAIRMAN LOSQUADRO:

That's what I thought.

LEG. KENNEDY:

Then I'm confused.

LEG. VILORIA • FISHER:

It says the term of the office of Frank Gicanowitz, now deceased, to represent the Town of Southold.

CHAIRMAN LOSQUADRO:

Yeah, that's what I read.

LEG. KENNEDY:

I stand corrected.

LEG. BISHOP:

Does it speak for itself?

MR. ZWIRN:

Well, it does speak for itself. As I've said at other meetings, the County Executive •• there was a tradition in the past where a town supervisor had made recommendations to the County Executive. And he would have put those names forth for the Legislature for approval. The County Executive started the year doing that. We did it with town board resolutions. And very often the applicants were ••

CHAIRMAN LOSQUADRO:

Mr. Zwirn, before you go any further, I'm just going to say that this particular body did show deference recently to an incoming town supervisor where there was a change, specifically the Town of Brookhaven. There was a consensus among this body to hold off on that appointment for the Town of Brookhaven to give the incoming supervisor an opportunity to take a look and potentially make a recommendation. Whether or not the County Executive chooses to follow that is going to be up to him.

LEG. BISHOP:

Let me make a suggestion.

CHAIRMAN LOSQUADRO:

Yes. Legislator Bishop.

LEG. BISHOP:

Because it's clear if there's any •• because we're only four of six members. We need complete consensus and we're not going to have that right now. Let's use this opportunity for this applicant who's obviously extremely qualified. It's off the charts qualifications.

CHAIRMAN LOSQUADRO:

If I could just take the opportunity to say, Mr. Kontakosta, this certainly has no bearing on you. And in the past we have had applicants come, make a presentation. They've not been approved at that moment. There certainly would be no reason for you to come back unless we specifically had an additional question, at which point we would make you aware of that and ask you to come back. So, I think at this point being that ••

LEG. BISHOP:

So what I was going to suggest is that Mr. •• I would say Kontakosta •• I don't know how he says it ••

MR. KONTOKOSTA:

That's very good. Thank you.

LEG. BISHOP:

We'll have Mr. Kontakosta contact the incoming supervisor. Even though Mr. Zwirn said he doesn't have to have his blessing and all that, you know, and introduce himself, say that he's the County Executive nominee, he would like to work with him. They'll have that conversation. And we can come back either in two weeks or the beginning of the new year. And all those ducks will be in a row and nobody will have their feathers ruffled.

MR. ZWIRN:

I would just say I don't believe the County Executive is going •• you know, he'll take suggestions from any corner, but I think his ••

LEG. BISHOP:

But you're ending that practice. I got it. I understand.

MR. ZWIRN:

That practice is now over. And we're going to look for the best qualified people. As you can see the County Executive has done a terrific job. Even the candidates that you have not approved, Mr. Pruitt whose name is also before you today, are outstanding candidates for the Planning Commission and represent the people of Suffolk County. And that's how the County Executive believes that they should be done on the merits of the individual. And this gentleman would be just as qualified in January as he is today.

LEG. BISHOP:

Surely as wonderfully combative as you are, you have no objection to a little kumbaya time. So, why don't they all meet and come back.

LEG. VILORIA•FISHER:

Perhaps if we can get back to the merits and discuss ••

CHAIRMAN LOSQUADRO:

Yes. No, I certainly am satisfied listening to •• I don't have any further questions for Mr. •• is it Kontakosta?

LEG. VILORIA•FISHER:

I do.

MR. KONTOKOSTA:

Kontakosta.

CHAIRMAN LOSQUADRO:

Kontakosta. Legislator Vilorina•Fisher.

LEG. VILORIA•FISHER:

Thank you for coming down.

MR. KONTOKOSTA:

Thank you.

LEG. VILORIA • FISHER:

And you do have an impressive resume. Now, the former Supervisor of the Town of Southold was somebody to whom the issue of workforce housing was very important. And it's a critical issue throughout Suffolk County. I'm certain you're aware of that. You do have two projects in which you are involved on the eastern portion of Long Island. Can you give me some of your insight or your philosophy with regard to workforce housing; what kind of town involvement should there be, how much of a commitment should there be on the part of the towns? And what kind of commitment do you have to it?

MR. KONTOKOSTA:

Yes. Okay. Thank you. I would begin by saying, of course, there's a tremendous need for not only workforce housing in the County but affordable housing; goes for very low for low income individuals and families. And I think it's •• it's a problem or a concern that will only continue due to the attractiveness of the County as a place to live as well as restrictions on supply of new housing. And I would say that it's very important that the local municipalities take the lead in terms of drafting and creating legislation or ordinances to support the creation of that type of housing. But I would say that the County has a responsibility to take an overall coordination and overall role in making sure that there is some coordinated effort to address the problem rather than asking each individual municipality to reinvent the wheel in terms of providing answers to this problem.

LEG. VILORIA • FISHER:

If I may just interrupt you on that point because although the County does have efforts that it has been involved in, the municipalities, the local municipalities, the towns and villages do have that ultimate zoning ability. And that's a very heavy hammer.

MR. KONTOKOSTA:

That's correct. You're absolutely right. And that's why I said, of course, they would have to •• it would have to be at the local level that would have the final responsibility. But I think the County can do a lot in terms of encouraging and coordinating the effort to provide assistance in drafting legislation or in recommending certain zoning issues that would facilitate the creation of workforce and affordable housing.

LEG. VILORIA • FISHER:

I see part of the role of Planning to be going beyond construction of homes and commercial uses. I see transportation as a very important piece of that. Do you have any background in transportation planning or have you looked at that in your work?

MR. KONTOKOSTA:

Yes, I have. Both in my Master's and PhD I've come across transportation issues as well as an engineer •• I have experience in transportation engineering issues as well. And I would agree that planning, of course, goes well beyond simply residential and housing issues. Of course there are economic development issues and for the County specifically preservation issues and environmental issues that are utmost importance. So, I do have experience in the transportation issues area as well as the environmental areas as well.

LEG. VILORIA • FISHER:

I just have one more question.

MR. KONTOKOSTA:

Certainly.

LEG. VILORIA • FISHER:

It's about one of your projects. I'm looking at the galleria which is described to you as a mixed use of residential, retail building. Does that follow the principle of smart growth?

MR. KONTOKOSTA:

Yes. It's rather a small building. It's only about 10,000 square feet. And

it's right in the heart downtown •• the downtown Village of Greenport. So in that ••

LEG. VILORIA•FISHER:

So, you've worked with David Koppel, who's also a Commissioner on the Workforce Housing Commission?

MR. KONTOKOSTA:

Yes, yes. We have interacted, absolutely.

LEG. VILORIA•FISHER:

Okay. Thank you.

MR. KONTOKOSTA:

Thank you.

LEG. KENNEDY:

Mr. Chair?

CHAIRMAN LOSQUADRO:

Legislator Kennedy.

LEG. KENNEDY:

Yes. I'm very impressed with your background. And as a matter of fact I appreciate you coming here to go ahead and talk with us. I see specifically that your group or your business has a wide range of activities. And I guess I would echo some of the concerns that Legislator Bishop had raised regarding the real estate end of it. But I also see that you own a publishing company or you have a publishing aspect of this? Tell me a little bit about it.

MR. KONTOKOSTA:

Yes, there are a few items that have changed since the date of that resume. And one of those things is that the publishing aspect is no longer under our control.

LEG. KENNEDY:

So, you've divested yourself of that. You do not publish a newspaper?

MR. KONTOKOSTA:

Yes. No, that's correct.

LEG. KENNEDY:

All right. Thank you.

CHAIRMAN LOSQUADRO:

All right. And I just think on behalf of the entire committee or the members present, shall I say, I want to thank you for offering your services. As most are aware this is a volunteer position. And I appreciate your offer of public service in this regard. And as I said you will not be asked to return as we continue to deliberate this. But I will make a motion to table this, second by Legislator Bishop. All those in favor? Opposed? **2297 is tabled. (Vote: 4•0•0•2. Legislators Binder and Schneiderman not present)** Thank you, sir.

Okay. Back to the agenda. We will have a very brief, I am promised, presentation from Health and Department of Public Works regarding the Vector Control 2006 Plan of Work. And I just have a brief question for them. So, they will make a statement; then I just have a question for them. So, I've asked them to come forward.

MS. MITCHEL:

Hello, again. And this will be brief. I'll introduce everybody first. I'm Leslie Mitchel. I'm Deputy Commissioner with the Department of Public Works. Dominick Ninivaggi, Superintendent of Vector Control. Dr. Dillon, Public Health. Walt Dawydiak, Health Department, Environmental Division. And Chris Jeffreys with the County Attorney's Office.

In 2002 a decision was made to move forward with the Comprehensive Long •Term Plan and Full Environmental Impact Study. The draft long•term plan has been distributed and will be considered by CEQ later this month.

The Plan of Work •• the annual Plan of Work that will be before you for consideration on Tuesday, we discussed it at length this morning at the

Health Committee •• it was approved out and will be eligible for a vote at Tuesday's meeting •• does not conflict with any of the draft recommendations of the long-term plan.

The 2005 Plan of Work will expire on December 31st of this year.

Vector Control activities are designed to protect the public health and the environment. Our plan is to integrate a control program which employs a hierarchal approach emphasizing prevention. Control proceeds •• well, you know most of this. I don't even want to go over this. You know all of this. What's different about the 2006 Plan of Work from some of ••

CHAIRMAN LOSQUADRO:

You can turn the lights back on.

MS. MITCHEL:

I don't think you need the full blown presentation. We will be entertaining questions. But what's new about the 2006 Plan of Work is the use of an Adapgo Wingman Air Spray System. This is a computer model that will allow us to more accurately target adulticide spray.

We have further reduced the hand maintenance of existing ditches from 400,000 linear feet to 200,000. A machine water management activities will only be used if needed to restore tidal flow and to reduce mosquito breeding while protecting the marsh.

Adulticiding criteria is listed very definitively on page 17 of the Plan of Work. I know that has been something that has been criticized as not being in the Plan of Work. It is in there. We had six confirmed human cases this past year. We had 75 isolations of positive mosquito pools including two human biting species. We're happy to report no fatalities and we are ••

LEG. VILORIA•FISHER:

West Nile Virus?

MS. MITCHEL:

West Nile Virus, yes. I'll entertain questions.

CHAIRMAN LOSQUADRO:

Sure. I was just going to say we had a very comprehensive presentation in Health and Human Services Committee where the Plan of Work was approved out of committee unanimously. My only question, and I'll pose this to Mr. Jeffreys from the County Attorney's Office, was I believe there was a question on segmentation. If you could just address that please.

MR. JEFFREYS:

Since we've been litigating the issue from 2002 through today with various lawsuits that have been filed in state and federal court, questions of segmentation have arisen. In 2002 through 2004 there have been no determinations concerning the segmentation issue and whether this plan is a segment or an improper segment of the long•term plan. The County Attorney under the prior administration and the present administration have previously prepared memoranda to the Legislature as counsel to the Legislature for your review concerning the conclusion that an interim Plan of Work is not a segment of an unfinalized long•term plan.

A few days ago when the question came up, I spoke at length with the County Attorney. And we had prepared a detailed opinion for the Legislature as counsel to the Legislature to explain that the issues presented in the 2006 plan are not improper segmentation of the yet confirmed long•term plan. And I'll have that distributed to all members of the Legislature before the Tuesday full session.

CHAIRMAN LOSQUADRO:

Thank you. That was going to be my request to you, that that memorandum be distributed along with an outline and perhaps a copy of the presentation, the slides that was presented to the Health and Human Services Committee. If that could be distributed to members of the Legislature for their review prior to Tuesday's meeting, I think it would be very helpful and go a long way towards answering any questions they may have prior to that meeting. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Just one further question for Mr. Jeffreys on that. I think your statement was that there's been no determination over the

course of these series of cases since 2002. Can I ask you is it because plaintiffs have not raised it or it's been •• the Court has chosen not to address it? Is there a threshold issue? How is it that we •• that there's been no reading on this one way or the other?

MR. JEFFREYS:

It's been presented by both sides in the trial court briefs and in briefs to the appellate division on those cases that have gone to the appellate division. For reasons that are not germane to the segmentation issue, none of the courts had to reach the issue.

There is a case that is relatively close to on point. I'll discuss it very briefly because I do discuss it in the memo to you folks. And I'll discuss it generically rather than focussing it in any one particular vain. It's *Golden versus the City of New York*. It's a frequently cited case on the segmentation issue. As part of a problem that the City of New York was experiencing with their Fresh Kill Land Fill, they were mandated by the federal government to close the land fill. To do that, they had to develop a long•term plan in order to move towards the capping and closure of the land fill. That was a ten•year plan.

In order to get to that point, the City of New York needed some place to put their garbage. And much like our Vector Control Program, their sanitation rules require a Plan of Work each year in order to do something with the disposal of their garbage.

The claim was made in that case that the interim plan to dispose of garbage was an improper segment of the yet to be completed long•term plan for the capping and closure of the Fresh Kills Land Fill. The court in that case, and I think appropriately, determined that an interim plan that is necessary to protect the public health is not a segment of a yet to be determined long•term plan.

And that's the same sort of analysis that we've used in all of our cases. And there has never been to date a ruling on it because our trial courts and our appellate courts didn't have to get there. Cases were dismissed on other grounds.

LEG. KENNEDY:

I see. Okay. I look forward to the memo. Thank you.

CHAIRMAN LOSQUADRO:

Thank you. Any further questions? No. Thank you very much. Appreciate the presentation. And onto the agenda.

TABLED RESOLUTIONS

Tabled resolutions. **1715, further implementing the Suffolk County Water Quality Protection and Restoration Program.** Legislator Bishop?

LEG. BISHOP:

I'm going to make a motion to table, but I just want to speak for a second.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Bishop, seconded by myself. On the motion, Legislator Bishop.

LEG. BISHOP:

Mr. Zwirn, do you have anything to say on this resolution?

MR. ZWIRN:

No. Ask it be tabled.

LEG. BISHOP:

Okay. Until when?

MR. ZWIRN:

Until we get it worked out. I think the County Executive would be on board.

LEG. BISHOP:

I think he is on board. That's why I'm •• all right. What this resolution seeks to do is establish a program or an official criteria for partnerships on

the water quality protection aspect of the Quarter Cent. What am I talking about? For example, Legislator Kennedy in Smithtown •• I have a couple in Babylon •• where we want to take •• invest County money on town property to reduce water pollution. What this resolution says is in such circumstances it would be a 50/50 partnership. And I think that some of the ones that we've done earlier, I know in mine, I've done better than that. And so this is a ••

LEG. KENNEDY:

I couldn't crack fifty but my hat's off to you.

LEG. BISHOP:

Well, that was before Levy. But this would establish going forward what the formula would be. And that would be a dollar for dollar match. So, I would appreciate it if next time you're prepared to comment, then, I'd like to move it.

MR. ZWIRN:

Yeah. The County Executive is in support of that.

LEG. BISHOP:

Okay. I don't know if the Committee is. But I'll table it 'til next time. Give you time.

CHAIRMAN LOSQUADRO:

All right. We have a motion and a second to table. And once we call that vote, I would just bring your attention to a memo from Budget Review Office. So, we have a motion and a second. All those in favor? Opposed? **1715 is tabled. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

And now I want to draw your attention to the Budget Review Office memorandum regarding the Suffolk County Water Quality Protection Fund 477. I believe that's been distributed. Everyone should have a copy of that in front of them. This puts into writing what was discussed very briefly at the end of last meeting about the \$7.4 million that we anticipate coming into the Water Quality Protection. If you go to the second page, Budget Review

can comment on this. The recommended operating expenses are currently \$6.8 million. So, absent moving those positions that Legislator Bishop and I wanted to move into the General Fund, there doesn't seem like there'll be a whole lot of money left over to partner 50/50 with.

LEG. BISHOP:

Right. Although •• right. Is that all of it? They're using up all ••

CHAIRMAN LOSQUADRO:

Budget Review, if you would care to comment on this memo?

MR. DUFFY:

What we were showing was that since a large amount of operating expenses have been institutionalized, unless something changes, you're at that point; because if you're using \$6 million to pay operating expenses and the revenue coming in under Water Quality Protection component is •• I think in that year \$600 thousand greater, there's not going to be a lot of money being added that can be used for other items.

CHAIRMAN LOSQUADRO:

Precisely. We see about a \$600 thousand differential between the two, which does not leave a great deal of money to invest in these types of projects.

LEG. BISHOP:

But aren't there expenses that are sunseting that will free up money in the future years?

MR. DUFFY:

Well, we're looking at what the current conditions are if the Legislature decides not to ••

LEG. BISHOP:

Assuming current •• like the study on the mosquitos, that's a couple million dollars but that's done.

MR. DUFFY:

But that was done through the capital project. And the expenses we're talking about are operating expenses. And what has occurred is that as you look at the operating expenses, these have been approved. And those expenses will continue unless the Legislature decides to discontinue them. I'm talking about things like the IPM program; things like the work Cornell Cooperative Extension is doing. But the items that you're referring to, they were transferred to the capital. And, yes, that money is gone. And that has been paid out of fund balance.

LEG. BISHOP:

Mr. Minei's initiatives are being paid for out of capital now?

MR. DUFFY:

There was a transfer to 525. So, the appropriations did not lapse. But that money is not being accounted for in that 6.8 million.

LEG. BISHOP:

Okay. So, what comprises that is the people that were moved from the Labor Department?

MR. DUFFY:

That's a million dollars of it.

LEG. BISHOP:

All right. What are the big ticket items? How much to each? What is the Coop Cornell? What is that, by the way?

MR. DUFFY:

Well, the Cornell Cooperative, there are a number of projects that Cornell had approved over the years, which were multi-year contracts. The ••

LEG. BISHOP:

Are they personnel or are they projects that will •• that's what I'm trying to get at. I mean ••

MR. DUFFY:

They're a combination. You'd have to go through each project in detail to, you know, what it's exactly opposed of.

LEG. BISHOP:

Right. Okay. So, there's no •• so when I ask you in 2008, are there, you know, looking ahead, does the Cornell dollar amount diminish because projects are ending?

MR. DUFFY:

Well, depending on what the Legislature approves in the 2008 budget. But at the current time for 2006, a certain amount has been approved as operating expenses. You're asking me to comment on something that we would not have •• we received cash flow projections from the Executive back in July which have changed somewhat.

LEG. BISHOP:

I think we have two different definitions of the word project which is impeding this dialogue. To me a project is •• you come in, the government does something, they complete it and they move on. It's not an ongoing commitment. So, are all these \$6.8 million, they're ongoing commitments? Unless we choose to change our policy.

MR. DUFFY:

Correct.

LEG. BISHOP:

Okay.

MR. DUFFY:

That's my understanding.

LEG. BISHOP:

They're not projects as I'm defining them. Because that's what I thought •• I thought there was a significant amount of this that were •• what I would describe as projects; you know, you build a storm drain, you fix a pond.

MR. DUFFY:

But those were the items that were transferred to 525 •• the objects that are shown as being in the operating budget are items that have been incorporated as part of the expenses. In looking at it, you ask a question, as far as organic maintenance. There's \$2.5 million that's been shown for 2006 for the IPM program. Organic maintenance is through the Parks Department budget. But the objects, like, that you've shown where you had \$3 million for, I guess, the drainage, that we're showing as water quality capital projects that the money has been transferred ••

LEG. BISHOP:

It's out already; right?

MR. DUFFY:

It's out. And theoretically those are the types of projects that you have finished and then move on.

LEG. BISHOP:

Right.

MR. DUFFY:

But the ones that we're showing as being operating, the only one that I see is that a million dollars had been, I guess, appropriated for comprehensive shellfish restoration by the Legislature. Unless the Legislature ••

LEG. BISHOP:

Renews.

MR. DUFFY:

Renews that, yes, that will end. But if we continue on what we have set up, we're at that level of 6.8 million. And the revenue coming in on the sales tax was a little over seven.

LEG. BISHOP:

I just want to do the accounting quickly with you. It's one million •• we're going to round things off. A million for the people that came over from the Department of Labor. It's 2.5 for organic maintenance. It's one million for shellfish restoration. What other big ticket ••

MR. DUFFY:

Okay. The Integrated Pest Management is \$818,000. Okay.

LEG. BISHOP:

Isn't IPM •• how is it different than organic maintenance? Organic maintenance in the Park's IPM is where?

MR. DUFFY:

I believe that's in the Health Department. Integrated Pest Management, I believe that's in the Health Department. And then there's 769,214 for Water Quality Protection.

LEG. BISHOP:

What's that? Is that you?

MR. DUFFY:

I'm not sure. I'm going by what's shown in the budget as each item.

LEG. BISHOP:

Okay. You think that's personnel, though. That's the Labor Department people, right? The Water Quality Protection?

LEG. VILORIA • FISHER:

No, we already mentioned Labor.

LEG. BISHOP:

He already did.

LEG. VILORIA • FISHER:

It was the one million.

MR. DUFFY:

But there are a variety of expenses that have been shown as operating expenses. And the trend has been that they've gone up; that in 2004 the actual that we showed as operating was 3.1 million. In 2005 the estimated was 5.3. And for 2006 the estimated is 6.8. Now, what the point we were

making in our memo is that if it stays at this point or the trend continues to go up, you only have a fund balance estimated at 5.3 million at the end of 2006.

LEG. BISHOP:

Right.

MR. DUFFY:

This is an increase from the 2005 of 4.6. So you've roughly gone up around \$600,000.

LEG. BISHOP:

Right. Rather than the 7 or 8 million that you would think go up. Okay.

MR. DUFFY:

Correct, correct. And we were at a point that we show that at point where the various fund balances were back in 2004. The actual fund balance was 11.6. So what happened in 2005 is that 8.5 million were spent for a variety of projects that we categorized as capital; and 5.3 was spent for the items we categorized as operating, which brought the fund balance down to 4.6. And there's no longer that large fund balance ••

LEG. BISHOP:

Right, of course, because you're drawing down. Can I ask Mr. Zwirn if he's prepared to, you know, address this? Would you do that at the next meeting?

MR. ZWIRN:

Absolutely. I'll do it at the next Committee meeting.

LEG. BISHOP:

I mean I understand there are policy disagreements, but also do you agree or disagree with the actual accounting?

MR. ZWIRN:

We haven't secured a copy of the memo. So, that would be helpful, too.

LEG. BISHOP:

Mr. Chairman, if I can ••

CHAIRMAN LOSQUADRO:

Yeah, we'll provide ••

LEG. BISHOP:

•• through the Chair request that we revisit this next ••

CHAIRMAN LOSQUADRO:

Absolutely. We'll provide the County Executive's Office with a copy of the memorandum from Budget Review. I would ask you to please address the questions and concerns that we've raised repeatedly as a Committee.

Okay. Continuing. **1728, adopting local law to professionalize qualifications of the County Planning Commission.** I'll make a motion to table, second by Legislator Bishop. All those in favor? Opposed? **1728 is tabled. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

1821, adopting a local law, adopting the extension of Smart Government Plan for Environmental Protection, for County taxpayer protection and for sewer tax stabilization. Was that a motion to table?

LEG. BISHOP:

Yes.

CHAIRMAN LOSQUADRO:

By Legislator Bishop, second by Legislator Vilorio•Fisher. All those in favor? Opposed? **1821 is tabled. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

1864, to appoint a member of the County Planning Commission Edward James Pruitt. Motion to table by Legislator Bishop, seconded by myself. All those in favor? Opposed? **1864 is tabled. (Vote: 4•0•0•2.**

Legislators Schneiderman and Binder not present)

1940, adopting a local law to amend the Suffolk County Charter to add representatives. Same motion, same second, same vote. **(Tabled. Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

I just wanted to make sure there was nothing else anyone would want to get their name on.

1941, adopting local law to amend the Suffolk County Charter to ensure representation on environmental issues CEQ. Same motion, same second, same vote. **(Tabled. Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

1942, Charter Law to ensure representation of an environmentalists on CEQ. Same motion, same second, same vote. Those are all tabled. **(Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

1943, a local law to add representatives of environmental protection on the CEQ. Same motion, same second, same vote. **(Tabled. Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2009, authorizing the acquisition of farmland development rights under the Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund for the Ellgreen Company property, Town of Huntington. Brief update on this? This was not ••

MR. ISLES:

We don't have a contract.

CHAIRMAN LOSQUADRO:

Right. Same motion, same second, same vote. **2009 is tabled. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2022, making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport Redevelopment of Long Island Jet Center East, Town of Southampton. Brief reminder as to why •• an update as to why •• we have a request from the sponsor to continue tabling

this. I'll make a motion to table, second by Legislator Kennedy. All those in favor? Opposed? **2022 is tabled. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2061, adopting Local Law to clarify Planning Commission jurisdiction. Explanation?

MR. ISLES:

Yes. This is basically to conform County law regarding the County Planning Commission to state law. State law, for example, states that if a County Planning Commission is formed, which of course we do have here in Suffolk County, it has certain authorities to it. That is contained in current County law; however, there's a lot of things in County law that are missing. County law has not been updated to reflect changes in state law.

And by example •• state law for example requires that properties that are located within 500 feet of an agricultural district under certain cases must be referred to the County Planning Commission. There's no mention of that in our County law. So, that's one example where we want to be consistent with state law to county law.

Another example is the referral of site plans. Here again, state law says site plans shall be referred to County Planning Commissions. It's not reflected in our local laws; so, therefore, we're just conforming it to that. So we consider this to be a housekeeping bill that is conforming County law to state law.

LEG. VILORIA•FISHER:

Make a motion to approve.

CHAIRMAN LOSQUADRO:

Legislator Kennedy, I believe you wanted to ••

LEG. KENNEDY:

My question to you is really just a procedural one. And I was just going to confirm with Counsel •• with assistant Counsel to •• in essence what you're asking to do is amend the Charter and the administrative code, I guess, in

order to conform with state law. But where there's silence in our local county statutes, we do not forfeit the ability to go ahead and act with the authorizing legislation at a state level; correct? So there's no bar from us taking on those activities under the Planning Commission by virtue of the fact that those powers lie in state law enabling or authorizing Planning Commissions. We have elected to go ahead and actually create one. And so, therefore, while it's good to go ahead, I guess, and have iteration at a local level, we are not compromised. We do not forfeit by the fact there's silence here at a local level.

MR. ISLES:

I don't believe so. I'm not an attorney and I'm not speaking for the County Attorney's Office. And I will say that we often times have gotten questions does the County Planning Commission require the review of site plans because they read our code and they say we don't see anything in there. We say the answer is yes. It's controlled by state law. But, here again, it creates this ambiguous situation and we'd just like to clear that up.

LEG. KENNEDY:

So you feel that for your ability to go ahead and to operate fully and without the necessity to go through the elaborate explanation, this gives clarity, I guess?

MR. ISLES:

Yes, exactly.

LEG. KENNEDY:

Okay.

CHAIRMAN LOSQUADRO:

We need our colleague back.

LEG. VILORIA•FISHER:

David, come back.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator Viloría•Fisher, seconded by Legislator

Kennedy.

LEG. KENNEDY:

Aye aye.

CHAIRMAN LOSQUADRO:

All those in favor? Opposed? **2061 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

MR. ISLES:

Thank you.

CHAIRMAN LOSQUADRO:

2072, authorizing the Suffolk County Executive's Office to be the signatory on all Environmental Restoration Program grant related documents. By the way, it's environment now if you wanted to take this opportunity to ••

LEG. VILORIA•FISHER:

Is this the one where we had the issue with naming a specific person on the resolution? And has that been ••

CHAIRMAN LOSQUADRO:

Yes. Has any change been made to this?

LEG. VILORIA•FISHER:

This is the one that named Paul Sabatino because we couldn't access a grant unless we had a specific signatory?

MR. ZWIRN:

I think it just •• I believe it's just the Chief Deputy as opposed to •• does it still say ••

CHAIRMAN LOSQUADRO:

We're just •• we're pulling up the amended copy right now.

Do you have anything •• do you have an amended copy? No, the language remains the same at the moment. We have no amended copy filed.

MR. ZWIRN:

It's just that he •• they needed somebody •• maybe Vito can come over and explain why we did it the way we did it. It wasn't ••

CHAIRMAN LOSQUADRO:

But just as a matter of course this body's just not comfortable with ••

MR. ZWIRN:

I think they asked for a ••

CHAIRMAN LOSQUADRO:

Regardless of who it was by just putting a name instead of a title.

MR. ZWIRN:

I think they needed a name.

LEG. VILORIA•FISHER:

But you know what? It was strange, Ben •• if I may, Mr. Chair?

CHAIRMAN LOSQUADRO:

Yes, Legislator Viloria•Fisher.

LEG. VILORIA•FISHER:

To further complicate that issue, not only was there a name but it said including but not limited to the Chief Deputy County Executive, Paul Sabatino. So, if it has to have a name, then why would it say including but not limited to? So, that's what was very problematic about that language.

LEG. BISHOP:

Why didn't you write the language as Paul Sabatino as Deputy County Executive or successor there •• you know. Paul Sabatino or •• you know •• as Deputy County Executive or successor thereto.

CHAIRMAN LOSQUADRO:

Legislator Bishop, if I may, the resolve clause states the Suffolk County Executive and his duly authorized deputies including but not limited to Chief Deputy County Executive Paul Sabatino. If we need an authorized signatory ••

LEG. BISHOP:

Including but not limited to?

CHAIRMAN LOSQUADRO:

Yes.

LEG. BISHOP:

So that's Kevin Law, that's the whole four of them.

CHAIRMAN LOSQUADRO:

But if we need an authorized signatory, why are we saying the County Executive and his duly authorized deputies? It just •• I'm not an attorney. But I look at the legalese here and it doesn't seem to add up. If we need an authorized signatory, it should be a title. Why multiple?

LEG. BISHOP:

This is coming from state statute? Do you know that?

CHAIRMAN LOSQUADRO:

Mr. Minei, would you care to comment? I know you wanted to comment on this before. It doesn't seem to add up.

MR. MINEI:

It's okay. I saw an amended copy Monday. I thought that you folks would have it that would clarify it. This is still rather time sensitive to us even though I spoke at the wrong committee an hour and a half ago. I was compelling then. I'm not persuasive now.

MR. ZWIRN:

Can I ask that maybe it be discharged to the floor so that if ••

MR. MINEI:

Yeah, we'll get you the amended version because it is ••

CHAIRMAN LOSQUADRO:

Madam Clerk, has an amended copy of this bill been filed? Can you check into that?

MS. SULLIVAN:

Yes.

MR. MINEI:

Thank you. I would like on the record that it is time sensitive. We were hoping to use this resolution for a quality communities grant that's due December 5th as well as a number of related Brownsfields grants, two of which are named in the current resolution. One at Bluepoint Laundry, one for Bellport. But we have at least two other pending projects. One in Eastern Resources in Eastport and one in •• a clean up at the canine kennel in Gabreski. So, it is relatively serious for us and time sensitive that we get authorization for someone to sign.

LEG. VILORIA • FISHER:

We can discharge without recommendation?

CHAIRMAN LOSQUADRO:

Just one moment. But to answer my original question, the statement was last time that the state required an authorized signatory. Why are we allowing a whole multitude of people by saying, you know, including but not limited to? Will the state accept that or do they want one person? An authorized signatory? I don't want to go through all this and then have the state say which I know they were very good at doing with insurance licensing back when I worked in the private sector, and then come back and say no, that's not really what we're asking for.

MR. MINEI:

Yeah. I think where the confusion lies is in the application we submitted Mr. Sabatino's name was on it signing for the County. The response back to my staff was we need a resolution authorizing this person to sign. And I think

what the resolution's trying to do is not only name Mr. Sabatino, but other members of the County Executive's staff to address the issue that was brought up. I don't think the state believes that one person and one person only will ever sign for the County of Suffolk.

CHAIRMAN LOSQUADRO:

That was my question.

MR. MINEI:

But the language •• and we were in deed part of the confusion was in response to Mr. Sabatino's signing an application. But my point is I believe as long as it authorizes Mr. Sabatino among others in the County Executive's Office, I think that will suffice. And we need a resolution or they won't entertain our applications.

CHAIRMAN LOSQUADRO:

You have made the representation that this bill has been amended, Mr. Zwirn?

MR. ZWIRN:

Yes.

CHAIRMAN LOSQUADRO:

Not that we don't have a copy, but that the •• it wasn't filed with the Clerk's office at least as far as we know. But if we could get those changes perhaps done by Tuesday's meeting?

MR. ZWIRN:

Right.

CHAIRMAN LOSQUADRO:

Even it has to be on CN.

MR. ZWIRN:

If we can just get it to the floor because of the time sensitive nature of some of the Brownsfields grants.

CHAIRMAN LOSQUADRO:

Madam Clerk? We do not have an amended copy filed?

MS. SULLIVAN:

Right, it has not been filed.

CHAIRMAN LOSQUADRO:

Okay. I will entertain a motion to discharge without recommendation. I would ask that those ••

MR. ZWIRN:

We'll make a full explanation again before the full Legislature on Tuesday out in Riverhead.

CHAIRMAN LOSQUADRO:

Will an amended copy be presented?

MR. ZWIRN:

I'll check. I mean, I'll see what we have to do. We want to get this thing done. We're not playing games by putting Chief Deputy Paul Sabatino's name in there just to irritate anybody; draw up some old wounds. We're doing it because we think that was necessary to get •• because he signed some of these in the past to make sure that he has the authority to do it so that the state will act on some of these grants. We do want to take any chances that they won't and say on a technicality we're not going to approve it because this individual didn't have the authority to sign the application. We just don't want to get caught in that kind of a situation. We're not trying to •• it's nothing more than that.

CHAIRMAN LOSQUADRO:

Well, I understand that. But if you're saying his duly appointed deputies, then in the future it may be •• by that logic it may be a problem for those people to sign in the future because they weren't specifically named.

MR. ZWIRN:

But we may have to come back with another resolution to do that.

CHAIRMAN LOSQUADRO:

I don't think an individual's name has to be in there. I think as a matter of adopting a resolution, I do not •• regardless of who's name it is, I just don't think it should be in there. And I think that's •• you've heard that consensus from this body.

LEG. VILORIA•FISHER:

It would seem that his title would carry the weight ••

CHAIRMAN LOSQUADRO:

Exactly.

LEG. VILORIA•FISHER:

•• of authority.

MR. ZWIRN:

I'm sorry.

LEG. VILORIA•FISHER:

I was just saying I would think that his title would carry the weight of authority.

MR. ZWIRN:

I would agree with you. It's all common sense /I would agree with the statements that the Chair has made and Legislator Viloria•Fisher. I would agree as well. But we'll •• Mr. Minei has said he will double check with the state to make sure that the language is right and we're bringing that back to the full Legislature on Tuesday.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Kennedy, before we call the vote.

LEG. KENNEDY:

Counsel reminds me of, I guess, the question that I had at the last

committee meeting which was ••

MR. ZWIRN:

Not about sound walls?

LEG. KENNEDY:

No, no, no. As much as I love to talk about that, you know I'm a single issue guy. You know I'm a single issue guy. I held my tongue yesterday in Parks real nice.

CHAIRMAN LOSQUADRO:

Come on, let's keep moving.

LEG. KENNEDY:

I asked as far as having the state recognize our ability under our County Charter for Chief Deputies to act in the stead of the County Executive. For 18 years there have been a lot of Chief Deputies who have been signing grant applications. I know firsthand. And there will be those in the future. So, to me it seems to be something that kind of flies in the face of logic that this body would now have to begin to name series of individuals who occupy that position. It just •• the logic doesn't wash.

MR. ZWIRN:

It's not something •• well, let's find out what the state has to say. But I agree with you. In theory that makes all the sense in the world.

CHAIRMAN LOSQUADRO:

We have a motion to discharge without recommendation by Legislator Vilorio •Fisher, seconded by Legislator Bishop. All those in favor? Opposed? **2072 is discharged without recommendation. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2093 was already addressed. Onto introductory resolutions. Hey, look at that.

INTRODUCTORY RESOLUTIONS

2205, authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program, Stein property in the Town of Islip.

MR. ISLES:

Okay. This is a perfectly good site on Doxy's Brook for acquisition. I'll just point out though it was the Master List II. So at this point this would be redundant.

CHAIRMAN LOSQUADRO:

I'm sorry, Counsel was ••

MR. ISLES:

I'm sorry. This is on Master List II already. So this resolution would appear to be a redundant, unnecessary. It's a good acquisition, but it's already been authorized for planning steps.

CHAIRMAN LOSQUADRO:

Same parcel number.

MR. ISLES:

Yes.

CHAIRMAN LOSQUADRO:

Okay.

MR. ISLES:

It's two and a half acres in Doxy's Brook in Islip.

LEG. BISHOP:

Awfully small.

MR. ISLES:

It's part of a corridor, yeah.

LEG. BISHOP:

Part of a corridor, interesting.

MR. ISLES:

Adjacent to County holdings.

CHAIRMAN LOSQUADRO:

I would like to at least have the opportunity to confer with the sponsor. So, we'll keep it alive in some sense. I'll make a motion to table subject to call being that it is on the Master List, seconded by Legislator Bishop. All those in favor? Opposed? **Motion is tabled subject to call. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2237, authorizing acquisition of land under the Suffolk County SOS Farmland Preservation and Hamlet Parks Fund for the Pines property, Town of Islip. That's the new 2237 title.

LEG. VILORIA•FISHER:

Is that Farmland Development Rights ••

MR. ISLES:

No, I think that's just in the title as I read it. The actual resolution does speak of open space in the resolve clause. The parcel as you'll see with the aerial photograph was before you once before under the 12•5 E program which is the Drinking Water Program. It was not recommended by the Parks Trustees so it stopped at that point. It's been resubmitted at this point as you now know under the SOS Program Open Space.

LEG. BISHOP:

What do they farm; maple trees?

MR. ISLES:

No, definitely it's not a farm. You're right.

LEG. VILORIA•FISHER:

What was the objection of the Parks Trustees?

MR. ISLES:

The Parks Trustees didn't see this as qualifying as a County park. Even though it's a small parcel, if it was adjacent to other county holdings, they didn't see it as being in the level of a County Park nor being in proximity to other county parcels where it would fit into a larger series of County holdings.

It is a parcel that is characterized by high groundwater. There's no question of that. It is somewhat to the east of Browns River corridor where the County owns acreage. But within that area the Parks Trustees just didn't feel comfortable with it under the 12•5 E program.

CHAIRMAN LOSQUADRO:

Any further questions?

LEG. BISHOP:

So where are you drawing down from?

MR. ISLES:

This is under the SOS program.

LEG. BISHOP:

Hamlet Parks?

MR. ISLES:

No, under open space.

LEG. BISHOP:

12•5 E would seem •• 12•5•E is Islip only money. So, you're saying you're not comfortable with it as Islip only money? You're comfortable with it as county•wide money for something that's ••

MR. ISLES:

It went to the Parks Trustees. And they declined the application. The request. They had jurisdiction on it.

LEG. BISHOP:

They have jurisdiction on 12•5 E?

MR. ISLES:

Yes.

LEG. BISHOP:

No, they don't.

MR. ISLES:

Yes, they do.

LEG. BISHOP:

On residuary money, town•only spending?

CHAIRMAN LOSQUADRO:

Counsel?

MS. KNAPP:

Yes. The Parks Trustees have to approve it. That's why this is under the Open Space component of the SOS. We tried it under the 12•5 E money.

LEG. BISHOP:

I don't think it's a very good purchase, but ••

LEG. VILORIA•FISHER:

Why don't we make a motion to table for now?

LEG. BISHOP:

See, this goes to my whole thing to extinguish the Parks Trustees, which would be the first move I make.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Viloría•Fisher. Legislator Bishop, will you ••

LEG. BISHOP:

What's the motion?

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Vilorio•Fisher, seconded by Legislator Bishop. All those in favor? Opposed? **2237 is tabled. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2238, making a SEQRA determination in connection with the proposed renovations at Sewer District #22, Hauppauge Municipal, Town of Smithtown.

LEG. KENNEDY:

Motion to approve.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator Kennedy, seconded by Legislator Bishop. All those in favor? Opposed? 2238 is approved. **(Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)** I'm sorry. And to place on the consent calendar. Amend that motion. 2238 the motion was to approve and place on the consent calendar. Second? All those in favor? Opposed? **2238 is approved and placed on the consent calendar.**

2239 (making a SEQRA determination in connection with the proposed renovations at Sewer District #10, CP# 8175, Stony Brook, Town of Brookhaven) Same motion, same second, same vote. To approve and place on the consent calendar. All those in favor? Opposed? **(Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2240 (making a SEQRA determination in connection with the proposed renovations at Sewer District #5, CP# 8115, Town of Huntington) Same motion, same second, same vote. To approve and place on the consent calendar. All those in favor? Opposed? **2240 is approved and placed on the consent calendar. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2241 (making a SEQRA determination in connection with the proposed improvements on CR 67, Motor Parkway at Vandercrest Court, CP# 5072, Town of Huntington) Same motion, same second, same vote. **(Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)** Motion is approved on the consent calendar.

2242 (making a SEQRA determination in connection with the proposed revitalization of William and Mollie Rogers Waterfront at Suffolk County Vanderbilt Museum, CP #7427, Town of Huntington) Same motion, same second, same vote. **(Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)** I'm sorry, Mr. Zwirn?

MR. ZWIRN:

On 22 ••

CHAIRMAN LOSQUADRO:

2242 was making a SEQRA determination in connection with the proposed revitalization of the William and Mollie Rogers Waterfront at Suffolk County Vanderbilt Museum capital project 7427.

MR. ZWIRN:

Right. On 2242 and 2247, the County Executive's Office filed bills yesterday which include SEQRA and the appropriations to go ahead with those projects. So, we would ask that this be tabled. This one be tabled and 2247 be tabled so that they can be •• these two projects can be taken as a whole in the next cycle. It has the appropriating resolutions together with the SEQRA just so that there's not two SEQRA resolutions.

CHAIRMAN LOSQUADRO:

If the bill's been filed, can it just be amended to just do the appropriation if the SEQRA's already done?

MR. ZWIRN:

Yes.

CHAIRMAN LOSQUADRO:

What's the advantage of just doing it all at once?

MR. ZWIRN:

The County Executive just thought that it would be a cleaner operation to have the SEQRA and the appropriations done simultaneously.

CHAIRMAN LOSQUADRO:

We're just going to do them now. If the bills already been filed, just make the amendment to just do them for the appropriations. We'll be happy. I think they're good projects so ••

MR. ZWIRN:

Oh, absolutely, as I said that's why we filled the bills.

CHAIRMAN LOSQUADRO:

So we'll just the SEQRA's now and we'll just do the appropriations when they ••

MR. ZWIRN:

Amended copies. Okay.

CHAIRMAN LOSQUADRO:

No problem. The vote was already called. Correct, Madam Clerk? That's why I didn't want have to go back to it.

2243 making a SEQRA determination in connection with the proposed adaptive reuse of the GATR facility, Theodore Roosevelt County Park. Same motion, same second, same vote to approve and place on the consent calendar. All those in favor? Opposed? **2243 is approved and placed on the consent calendar. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2244, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Mastic•Shirley Conservation Area, same motion, same second, same vote. 2244 is approved and placed on consent calendar.

(Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)

2245, making a SEQRA determination in connection with the proposed expansion of parking area and reconfiguration of tollbooths at Cupsogue County Park, same motion, same second, same vote. 2245 is approved and placed on the consent calendar. But we'll entertain a question about it. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)

LEG. VILORIA•FISHER:

I have question about 2245. Didn't we do some parking lot work at Cupsogue last year? Is this an extension of the same project? Tom, didn't we do some work on this last year?

MR. ISLES:

I'm not sure.

LEG. VILORIA•FISHER:

Didn't it have to do with drainage and ••

MR. ISLES:

I think you might have been referring to the 477 project.

LEG. VILORIA•FISHER:

Was that at Cupsogue?

CHAIRMAN LOSQUADRO:

Meschitt.

MR. ISLES:

Yes, Meschitt Beach.

LEG. VILORIA•FISHER:

Oh, it was Meschitt. Okay.

CHAIRMAN LOSQUADRO:

I was just going to say that.

LEG. VILORIA • FISHER:

Thank you, Sandy.

MS. SULLIVAN:

I know because I live there.

CHAIRMAN LOSQUADRO:

2246, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as Champlin Creek, DiLeo property, same motion, same second, same vote. 2246 is approved and placed on the consent calendar. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)

2247. This is the same thing, Mr. Zwirn. We'll just do the appropriation when it comes forth. Making a SEQRA determination in connection with the proposed modifications of compliance with the ADA, Suffolk County, Vanderbilt Museum, same motion, same second, same vote. 2247 is approved and placed on the consent calendar. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)

2248, making a SEQRA determination in connection with the proposed acquisition of a conservation easement by Suffolk County in the Town of Shelter Island for open space preservation purposes known as the Westmoreland property. Same motion, same second, same vote. 2248 is approved and placed on the consent calendar. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)

2249, making a SEQRA determination in connection with the proposed acquisition of land for the open space preservation purposes known as the Overton Preserve, Jacsi property. Same motion, same second, same vote. 2249 is approved and placed on the consent calendar. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)

2250, making a SEQRA determination in connection with the proposed construction of a handicap ramp at Cupsogue Beach

County Park, East Moriches, improvement at County Campgrounds. Same motion, same second, same vote. 2250 is approved and placed on the consent calendar. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)

2255, authorizing acquisition of land under the Suffolk County SOS Farmland Preservation and Hamlet Parks Fund, Open Space Component, McIlwaine property, Mastic•Shirley conservation area, Phase I.

LEG. VILORIA•FISHER:
Motion.

CHAIRMAN LOSQUADRO:
Mr. Isles, a brief ••

MR. ISLES:
Okay. Briefly this was the subject of a prior planning steps resolution as part the overall Mastic•Shirley Conservation area. It has been proceeding well. Real Estate has conducted the appraisal process and the appraisal review process has been reviewed by the Environmental Trust Review Board. What makes this historic potentially is that this is actually the first TDR coming out of the SOS program. So that has been calculated into this and is part of the resolution.

LEG. VILORIA•FISHER:
That's why I jumped all over it.

CHAIRMAN LOSQUADRO:
Very good. Motion to approve by Legislator Vilorina•Fisher, seconded by myself. All those in favor? Opposed? **2255 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2256, authorizing the acquisition of farmland development rights under the Suffolk County SOS, Farmland Preservation and Hamlet Parks Fund for the Good Shepard Stable property, SM Rogers, Inc.

MR. ISLES:

Okay. This has been recommended by the County Farmland Committee subject to all the requirements of the Division of Real Estate. Pat Zielinski is here to provide any further information on that that you may need.

CHAIRMAN LOSQUADRO:

Approximately 29 acres; correct?

MR. ISLES:

Yes, approximately 29 acres. And we would recommend your approval of this.

CHAIRMAN LOSQUADRO:

I'll make a motion to approve, seconded by Legislator Vilorio•Fisher. All those in favor? Opposed? **2256 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2277, authorizing planning steps for acquisition under Suffolk County SOS Farmland Preservation and Hamlet Parks Fund, South Setauket Associates property.

LEG. VILORIA•FISHER:

Motion.

MR. ISLES:

Okay. This is a parcel that's located along state route 347 in South Setauket. It directly borders a Town of Brookhaven park. It is generally a triangular shaped, somewhat cleared disturbed property that is proposed under the SOS Hamlets Park Program. We did do a rating that we provided for you. And the rating was 51 points. We would feel comfortable in recommending this for a planning steps resolution based on that rating.

CHAIRMAN LOSQUADRO:

If I might ask, I'm very familiar driving past this property. I heard Legislator Vilorio•Fisher just said you could use it for an ATV park it's so disturbed. I'm just surprised it ranked a 41. 51. Excuse me. It's a highly disturbed parcel.

MR. ISLES:

Well, it was ranked for recreation purposes.

CHAIRMAN LOSQUADRO:

Right.

MR. ISLES:

So it wasn't ranked for environmental purposes.

CHAIRMAN LOSQUADRO:

That's •• no, the new rating form certainly allows a good ratings for those recreational purposes.

LEG. VILORIA•FISHER:

May I just kind of answer your question? Actually it is used a great for illegal ATV use.

CHAIRMAN LOSQUADRO:

Yes, I know that.

LEG. VILORIA•FISHER:

And if you look at the local right•of•way behind it, there are kids racing along that and through the developments that are on the other side of it. And it has become a safety and quality of life issues with the people who live back there.

CHAIRMAN LOSQUADRO:

So motion to approve by Legislator Viloria•Fisher, seconded by myself. All those in favor? Opposed? **2277 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2287, authorizing acquisition of land under the Suffolk County SOS Open Space Component Joseph Sacco as contract vendee, Wildwood Lane Wetlands, Town of Smithtown. Mr. Isles, very briefly.

MR. ISLES:

Okay. This is a parcel that's actually within the headwaters of Nissequogue River, part of what we call the Smithtown Green Belt area. There's extensive public holdings in the vicinity. This particular parcel was included in Master List number one. And as with 2255, this resolution would also yield a TDR one credit actually based on the review by the Planning Department and the Health Department.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator Kennedy.

LEG. VILORIA•FISHER:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Viloría•Fisher. All those in favor? Opposed? **2287 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2288, authorizing acquisition under Suffolk County Multifaceted Land Preservation Program Open Space for the South Country Central School District property, a/k/a Central School District number 4, Mud Creek.

MR. ISLES:

Okay. Once again Mud Creek in a conglomeration of properties that the County has been seeking to consolidate both midsize and small parcels. The County had transferred a former gallow duck farm a number of years ago into parks category. We are now proceeding with federal funds to restore that property environmentally.

We've also acquired the Unitarian Church property. So within relatively densely developed portions of East Patchogue, this will end up being a protected area probably upwards of over a hundred acres. So, we have here a series of acquisitions in Mud Creek to complete the out parcel ownership. This case •• the property is •• actually totals about 16 and a half acres on

the headwaters of Mud Creek, all environmentally important. And Real Estate Division has completed the process for the appraisals and reviews and is recommended to you today.

LEG. VILORIA•FISHER:

I just have a question, Mr. Chair.

CHAIRMAN LOSQUADRO:

Yes, Legislator Viloria•Fisher.

LEG. VILORIA•FISHER:

So the Unitarian Church down there has sold all its property or just ••

MR. ISLES:

Well, there is a parcel •• undeveloped parcel in the west branch of Mud Creek that the County purchased of 20 some odd acres that was formerly owned by the Unitarian Church. So, we have two branches of Mud Creek. And this one happens to fall in the east branch for the school district property and that was the west branch.

LEG. VILORIA•FISHER:

But the church itself is still going to be ••

MR. ISLES:

No, the church itself is not being affected or purchased by the County.

LEG. VILORIA•FISHER:

I see.

CHAIRMAN LOSQUADRO:

Mr. Isles, I just have to ask since it was a source of such contention earlier being that this is owned by another municipal taxing district, does the Planning Department feel it improper for us to be paying another municipal taxing district for properties they can donate to us?

MR. ISLES:

Yeah. It's not a parcel •• it's certainly a valid point. It's not a parcel that's

set aside currently for preservation purposes nor is it a function of the school district necessarily to preserve property. So they would have the potential ability to excess this as surplus property and develop it. Your point is well taken. And you now certainly we appreciate the discussion. We feel that this is with merit.

CHAIRMAN LOSQUADRO:

As do I as a member of the Environmental Trust Review Board, but I just wanted to get that on the record. I'll make the motion to approve, a second by Legislator Bishop. All those in favor? Opposed? **2288 is approved.**
(Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)

2289, authorizing acquisition under the Suffolk County Multifaceted Land Preservation Program, Open Space Preservation for the Karine Bird property, Mud Creek. Another parcel.

MR. ISLES:

Mr. Chairman, this is actually on the south end of the corridor; the Mud Creek stream corridor. This is down by the Great South Bay. It's a three •acre parcel that is adjacent to County land that directly fronts on the Bay. So consistent with County policy of consolidating these holdings and protecting the south shore streams and the estuary, we would recommend this. This was approved for planning steps. Real Estate of course has done their process with the appraisals and the review. So coming to the final end of the process at this point that this would be consistent with the County's acquisition policy.

CHAIRMAN LOSQUADRO:

Very good. Same motion, same second, same vote. **2289 is approved.**
(Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)

2290, authorizing of land under the SOS Farmland Preservation and Hamlet Parks Fund Open Space Component, Castellano property, Mastic•Shirley Conservation area, Phase I.

MR. ISLES:

Okay. Once again this is consolidation of property within Mastic Shirley

which we've spoken about already. In this case it's under the SOS open space component.

CHAIRMAN LOSQUADRO:

This is just an individual small lot to consolidate?

MR. ISLES:

Individual site.

CHAIRMAN LOSQUADRO:

I'll make the motion to approve.

MR. ISLES:

It's also yielding one TDR credit.

CHAIRMAN LOSQUADRO:

Seconded by Legislator Kennedy. All those in favor? Opposed? **2290 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2291, authorizing acquisition of land under SOS Farmland Preservation and Hamlet Parks Fund Open Space Component, the Wetzel property, Mastic•Shirley Conservation area. This is the same situation point six acre consolidating those holdings. Same motion, same second, same vote. **2291 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2292, implementing Greenways Program in connection with the acquisition of JA Green Development Corp property Beaverdam Creek for open space preservation.

MR. ISLES:

This is actually a Greenways acquisition so it's on the original Greenways List in 1998. We are coming down to the end of the Greenways Programs but this would be a funding in accordance with that under the Open Space Component of Greenways. It's two•and•a•half acres.

CHAIRMAN LOSQUADRO:

Very good. I'll make the motion, seconded by Legislator Vilorio•Fisher. All those in favor? Opposed? **2292 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2293, authorizing acquisition under the Suffolk County Multifaceted Land Preservation Program, Open Space, Hallock Acres Wetlands, Town of Smithtown.

LEG. KENNEDY:

I'd make a motion to approve but I have a question or comment on the motion.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator Kennedy, second by Legislator Vilorio•Fisher. On the motion Legislator Kennedy.

LEG. KENNEDY:

I wholeheartedly embrace the County Executive moving forward with this. And certainly being joined by my colleagues, Legislators Schneiderman and O'Leary, staunch environmentalists both in their own rights to a quieter south fork to get rid of invasive species. This is in my district. And as a matter of fact, I worked with Mr. Ford extensively to go ahead and try to clear up questions about some underlying plumes from the adjoining gas station. I would very much like the opportunity to go ahead and be on this as a co•sponsor.

MR. ZWIRN:

I don't know how that happened, but I will make sure that's it's corrected by Tuesday.

LEG. KENNEDY:

Thank you so very much for that accommodation.

CHAIRMAN LOSQUADRO:

Motion to approve and a second contingent upon proper notations. All those in favor? Opposed? **2293 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2297 has already been addressed.

2298, amendment of resolution 555•2005 approving the renewal of agricultural district number one in the Towns of Southold and Shelter Island subject to the required subsequent approvals of the State of New York. Explanation, please.

MR. ISLES:

Okay. You had previously approved a resolution in June of this year to authorize the extension of this agricultural district number one. This takes in portions of Southold and Shelter Island. Upon the finalization of the maps, and as you can see it's a rather lengthy list of parcels that are included totalling over 7,000 acres, there was some minor adjustments in terms of •• I believe it was two parcels that came into the program •• the County's PDR program that requested coming into the Ag District Program that we added in. And then I think there were two parcels that were determined to be no longer in farming use. And so it's a relatively slight adjustment prior to the filing of this with the Commissioner of Ag and Markets in New York State.

CHAIRMAN LOSQUADRO:

Very good. Legislator Viloría•Fisher, do you have a question or that answered it?

LEG. VILORIA•FISHER:

That was my question.

CHAIRMAN LOSQUADRO:

Motion to approve by myself, seconded by Legislator Viloría•Fisher. All those in favor? Opposed? **2298 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2323, authorizing acquisition under the Suffolk County Multifaceted

Land Preservation Program, Open Space for the Elton Street Riverhead LLC property, Saw Mill Creek, Town of Riverhead. This is 5.6 acres; is that correct?

MR. ISLES:

Yes. This was on Master List number one. It is 5.6 acres. It is under the Multifaceted Program. It's part of extensive holdings on Sawmill River Creek that both the County and the Town are seeking to do. If there's anything further you'd like to get, we'll do our best to answer that.

CHAIRMAN LOSQUADRO:

No. And I see Legislator Schneiderman and Legislator O'Leary are listed as co-sponsors on this one. You're being left out of the loop, John.

LEG. KENNEDY:

Riverhead I can understand. I get around but not that far.

CHAIRMAN LOSQUADRO:

Motion to approve by myself, second by Legislator Kennedy. All those in favor? Opposed? **2323 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

2324, authorizing acquisition under the Suffolk County Multifaceted Land Preservation Program, Open Space, for the Frank Locastro and Dorothy P. Locastro property, Mud Creek. This is another small lot, consolidation. Motion to approve by myself, seconded by Legislator Vilorio •Fisher. All those in favor? Opposed? **2324 is approved. (Vote: 4•0•0 •2. Legislators Schneiderman and Binder not present)**

2328, authorizing acquisition of land under Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund, Open Space Component, the Engel Burman property, Cold Spring Harbor Watershed, Town of Huntington.

MR. ISLES:

Okay. This is a parcel that's proposed for acquisition under the SOS Open Space Component. As indicated it's in the Cold Spring Harbor Watershed. It

is an acquisition that's being done jointly with the Town of Huntington. There's actually going to be a physical division of the properties so they would buy half and we would buy half. And here again it's clearly for water protection and surface water protection within the Cold Spring Harbor area. And the total acreage is 10.4 acres of which the County would buy 5.21 acres.

CHAIRMAN LOSQUADRO:

Very good. Motion to approve by myself, seconded by Legislator Bishop. All those in favor? Opposed? On the motion.

LEG. BISHOP:

Cold Spring Harbor is Legislator Cooper's district. Not anywhere near Legislator Binder's district. You know, there are maps in the Planning Department, Tom. They list •• I have ••

MR. ISLES:

Yes, I'm aware of that.

CHAIRMAN LOSQUADRO:

I believe they even have topographers.

MR. ISLES:

We don't always get involved at this step in the process but ••

CHAIRMAN LOSQUADRO:

I don't think they filed the legislation. Mr. Zwirn, if you could just ••

MR. ZWIRN:

I think Legislator Binder thought he might be Supervisor Binder so this would have been his district. It was anticipated.

CHAIRMAN LOSQUADRO:

So perhaps if you could contact or if Legislator Bishop could contact Legislator Cooper and let him know •• make a request to co•sponsor this resolution, I'm sure that will be appreciated.

We had a motion and a second. All those in favor? Oppose? **2328 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

SENSE RESOLUTIONS

CHAIRMAN LOSQUADRO:

Sense Resolution 79•2005, memorializing resolution in support of New York State legislation expanding the "Bottle Bill." This is mine. We actually have bill numbers now in the state so hopefully this will move forward. I'll make the motion approve.

LEG. VILORIA•FISHER:

Second.

CHAIRMAN LOSQUADRO:

Seconded by Legislator Viloría•Fisher. All those in favor? Opposed? **Sense 79 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)** Thank you very much to Planning and Real Estate.

CEQ RESOLUTIONS

CHAIRMAN LOSQUADRO:

I'll just ask Jim Bagg from CEQ to come forward. Good afternoon. Thank you for being rather patient. Okay. It's on.

CEQ resolutions. 86•05, proposed SEQRA classification of legislative resolutions laid on the table on November 9th, 2005. Motion by Legislator Kennedy, second by Legislator Bishop. All those in favor? Opposed. **86•05 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

87•05, proposed agreement with Montauk Observatory, Inc and accepting a donation of a telescope, Town of East Hampton.

LEG. VILORIA•FISHER:

Motion.

CHAIRMAN LOSQUADRO:

Motion by Legislator Viloría•Fisher, seconded by myself. All those in favor? Oppose? **87•05 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

CHAIRMAN LOSQUADRO:

88•05, proposed upgrade of air control units in computer rooms at Police Headquarters, CP #3507, Yaphank, Town of Brookhaven.

Motion by Legislator Kennedy, second by Legislator Viloría•Fisher. All those in favor? Opposed? **88•05 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

89•05, proposed improvements to Board of Elections, CP #1459, Yaphank, Town of Brookhaven. Is this for the warehouses, Mr. Bagg?

MR. BAGG:

The project includes the replacement of doors, window, ceiling lights, lighting floors and wall finishes, improvements to mechanical systems and installation of fire alarm and sprinkler system.

CHAIRMAN LOSQUADRO:

Vert good. Same motion. Legislator Viloría•Fisher on the motion.

LEG. VILORIA•FISHER:

Jim, the lights that we're replacing, the existing lights, are they more energy efficient lights?

MR. BAGG:

Pursuant to the County Energy Policy they have to be fluorescents.

LEG. VILORIA • FISHER:

Okay. But I'll ask ••

MR. BAGG:

I have no idea what's in there now? They're probably incandescent.

CHAIRMAN LOSQUADRO:

Same motion, same second, same vote. **89•05 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

90•05, proposed improvements to the Suffolk County Farm, CP #1796, Yaphank, Town of Brookhaven.

MR. BAGG:

This project provides for infrastructure improvements for public safety and public health including renovations to one public restroom facility and installation of 18,400 linear feet of cattle fencing along with a cattle trough for operation of farm.

CHAIRMAN LOSQUADRO:

Same motion, same second, same vote. **(Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

91•05, proposed acquisition of land for open space preservation purposes known as the Wildwood Lane Wetlands, Sacco property, Town of Smithtown. Motion by Legislator Kennedy, second by Legislator Bishop. All those in favor? Opposed? **91•05 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

92•05 proposed acquisition of land for open space preservation purposes

Known as Mud Creek County Park, Karine Bird property in the Town of Brookhaven. Motion by Legislator Kennedy, second by Legislator Viloria •Fisher. All those in favor? Opposed? **92•05 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

93•05 proposed acquisition of land for open space preservation purposes known as Mud Creek County Park, Central School District number 4, property in the Town of Brookhaven. Motion by myself, second by Legislator Kennedy. All those in favor? Opposed? **93•05 is approved.**

(Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)

94•05, proposed acquisition of land for open space preservation purposes known as the Mastic•Shirley conservation area, Wetsel property, Town of Brookhaven. Motion by Legislator Kennedy, second by Legislator Vilorio•Fisher. All those in favor? Opposed? **94•05 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

95•05, proposed acquisition of land for open space preservation purposes known as the Mastic•Shirley Conservation area, Fabrizio property in the Town of Brookhaven. Same motion, same second, same vote. **(Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

96•05 proposed acquisition of land for open space preservation purposes known as the Mastic•Shirley conservation area, Castellano property, in the Town of Brookhaven. Same motion, same second, same vote. **(Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

97•05, proposed acquisition of land for open space preservation purposes known as the Mastic•Shirley conservation area, Lydel property in the Town of Brookhaven, same motion, same second, same vote. **(Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

98•05, proposed construction of a parking area at Gardiner County Park, CP#7079, Bay Shore, Town of Islip. Mr. Bagg? This is neg dec; correct?

MR. BAGG:

Yes. This project involves 16,000 square foot parking area, 64 feet by 250 feet west of the existing park area Gardiner Park. The area north of the parking lot and south of Montauk Highway will be landscaped within indigenous species to buffer the parking area from view. Council recommends an unlisted action with a negative declaration.

CHAIRMAN LOSQUADRO:

Very good. Motion by Legislator Bishop, seconded by myself. All those in favor? Opposed? **98•05 is approved. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

**99•05, proposed Suffolk County Correctional facility expansion
Yaphank, Town of Brookhaven.**

MR. BAGG:

This project has been before you numerous times. An EAF was done. The Council recommended a pos dec. The Legislature issued a positive declaration requiring the draft environmental statement be prepared. The Department of Public Works prepared a very lengthy document which was sent to all the Legislature. A notice of completion and public hearing were filed in the local newspapers, official papers of the County as well as the environmental notice statewide. The document was distributed to all involved agencies, interested parties, the Legislature, the County Executive.

On November 1st a public hearing was held on the document to receive comments. Nobody attended. There were no comments made. The comment period was held open to November 14th. Actually it was extended to the CEQ meeting of the 16th. No written comments were received. So the Council made a recommendation that a negative declaration should be listed because as contained in the DEIS because there are no significant environmental impacts that exceed the criteria. It's not in the Central Pine Barrens area. It's not in the special groundwater protection area. No rare and endangered species is associated with it. The soil •• there are no soil limitations for construction. All drainage is going to be taken care of. And it will be connected to the Yaphank Sewage Treatment Facility which has the capacity to serve the facility.

CHAIRMAN LOSQUADRO:

Very good. Legislator Kennedy, do you have a question?

LEG. KENNEDY:

Just one, I guess, observation; a quick question if you will. I had an opportunity to go ahead and read over the DEIS as to the construction project area. And one of the •• I guess my question goes to how is the waste from the facility going to be treated? Is there sewage there in the Yaphank area? I noted that there were a couple of contamination plumes in various areas around where the correctional facility is now. And some question as far as migration towards river corridor.

MR. BAGG:

Carmen's River.

LEG. KENNEDY:

Yes, the Carmen's River. Anything that's coming out of the facility, is there sewerage? That's my question.

MR. BAGG:

No, there's nothing associated with the correctional facility as such in terms of any contamination of groundwater and plumes. I believe there was a gas spill at another County facility. There are other plumes that are not associated with the County facilities moving towards the river. But this facility is not associated with any existing plumes nor is it in line with any particular plumes as well. And the waste associated with the correctional facility are simply sewage, which is going to the existing Yaphank treatment plant. And solid waste which will be disposed of at the Town of Brookhaven landfill.

LEG. KENNEDY:

Okay. Thank you.

CHAIRMAN LOSQUADRO:

Any further questions? Motion to approve by myself, second by Legislator Kennedy. All those in favor? Opposed?

LEG. BISHOP:

Opposed.

CHAIRMAN LOSQUADRO:

I don't believe it'll pass. **99•05 fails.**

LEG. VILORIA•FISHER:

Discharge without recommendation?

MR. BAGG:

This is not prime, I do not believe, in this Committee. It was before the Safety Committee where it was prime for this particular resolution.

LEG. VILORIA•FISHER:

Don't CEQ have to come to this Committee?

MR. BAGG:

Well, that's why we're here. But the negative, I believe, was assigned •• I don't know why •• it was assigned to Public Safety.

CHAIRMAN LOSQUADRO:

Well, as far as this Committee goes, it fails. All right.

Last item tabled CEQ resolution. **66•05 (proposed Francis S. Gabreski Airport Redevelopment of LI Jet Center East, Inc., Town of Southampton)** I'm going to also request to continue to tabling. Motion by myself, second by Legislator Kennedy. All those in favor? Opposed? **66•05 continues to be tabled. (Vote: 4•0•0•2. Legislators Schneiderman and Binder not present)**

No further business before us, meeting is adjourned.

(THE MEETING CONCLUDED AT 4:40 PM)
DENOTES SPELLED PHONETICALLY